

Court No. - 88

Case :- APPLICATION U/S 482 No. - 40130 of 2023

Applicant :- Rishipal

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Danish,Rajiv Sisodia

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the record.
2. The applicant has filed this application under Section 482 Cr.P.c. with a prayer to stay the recovery proceedings pursuant to the order dated 23.09.2023 passed in Criminal Misc. Case No.179 of 2021 (Smt. Munni Devi Vs. Rishipal) under Section 125(3) Cr.P.C., Police Station Gajraula, District Amroha, pending in the Court of Principal Judge, Family Court, Amroha.
3. It is submitted by learned counsel for the applicant that the applicant is the husband of opposite party no.2 and their matrimonial dispute is pending before the mediation centre pursuant to order dated 26.04.2023 passed in Application, under Section 482 Cr.P.C. No.15055 of 2023, therefore, the impugned order dated 23.09.2022 is liable to be stayed.
4. On the other hand, learned AGA submitted that the application under Section 125 Cr.P.C. of the opposite party no.2 has already been allowed vide order dated 15.09.2021 directing the applicant to pay a sum of Rs.10,000/- per month towards her maintenance from the date of presentation of the application dated 11.07.2019 but till date, no maintenance has been paid by the applicant to his wife/ opposite party no.2. It is also submitted that the order dated 15.09.2021 is still in existence and effective, therefore, there is no illegality in the impugned order dated 23.09.2022.
5. Having heard the submission of learned counsel for the parties as noted above and perused the record, I find that the impugned order dated 23.09.2022 has been passed in the proceedings under Section 125(3) Cr.P.C. on account of non payment of maintenance amount in compliance of order dated 15.09.2021, which is operating till date.

6. In view of the above, I do not find any good ground to interfere in the impugned order dated 23.09.2022, hence, the application lacks merit and is accordingly dismissed.

7. Office is directed to communicate this order to the opposite party no.2 within 10 days.

Order Date :- 5.12.2023

RKM